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Report of the Joint Inspection Unit on the Management review of environmental governance within the United Nations system

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "Management review of environmental governance within the United Nations system" (JIU/REP/2008/3).

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MANAGEMENT REVIEW OF ENVIRONMENTAL GOVERNANCE WITHIN THE UNITED NATIONS SYSTEM

Prepared by

Tadanori Inomata

Joint Inspection Unit

Geneva 2008

United Nations

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EXECUTIVE SUMMARY

Management review of environmental governance within the United Nations system
JIU/REP/2008/3

OBJECTIVE: To strengthen the governance of and programmatic and administrative support for Multilateral Environmental Agreements (MEAs) by United Nations organizations by identifying measures to promote enhanced coordination, coherence and synergies between MEAs and the United Nations system, thus increasing United Nations system's contribution towards a more integrated approach to international environmental governance and management at national, regional and international levels.

Main findings and conclusions

Recommendations 2, 3, 5, and 9 of the present report are directly addressed to legislative organs for action.

Framework for environmental governance

- The current framework of international environmental governance is weakened by institutional fragmentation and specialization and the lack of a holistic approach to environmental issues and sustainable development. The duplication and fragmentation of the work of United Nations system organizations stem principally from a blurred distinction in their work programmes between environmental protection and sustainable development and the absence of a single strategic planning framework.

- United Nations system organizations have not defined clearly their responsibilities under the governance framework, which aims at integrating environmental protection into economic and social development and mainstreaming environmental considerations in sustainable development policies. Nor have they developed operational linkages between development programming on the one hand, and normative compliance and capacity-building assistance programmes for environmental protection in developing countries on the other. Entities responsible for implementing operational programmes for development have increased environment-related assistance, including normative capacity-building in the field, without much interaction with MEAs. By contrast, most MEAs lack adequate funding for their own programmes on normative compliance and capacity-building assistance for developing countries. Environmental governance will be enhanced if the General Assembly establishes a clear division of labour among developmental agencies, UNEP and the MEAs outlining their respective areas and types of normative and operational capacity-building activities for environmental protection and sustainable development (**see recommendation 1**).

- At present, there is no single strategic-planning framework embracing the entire United Nations system: the United Nations' four-year medium-term plan ceased to be the policy orientation of the United Nations system following a General Assembly decision of 1999; UNEP lost its effective instrument of coordinating planning and programming when its System-Wide Medium-Term Environment Programme (SWMTEP) was discontinued in 1999; and its Medium-Term Strategy for 2010-2013 is not a system-wide instrument. The result is exacerbated duplication and overlapping of programmes and resources. The General Assembly should consider upgrading the United Nations Strategic Framework and UNEP Medium-Term Strategy to system-wide instruments in order to allow the integration of the strategic goals of environment-related organizations into a single governance framework for sustainable development and environment (**see recommendations 2 and 3**).

- Most UNEP/United Nations-administered MEAs have separate secretariats. This practice is rather exceptional under existing institutional arrangements for multilateral conventions within the United Nations system. It should be noted in this connection that specialized agencies manage their conventions more efficiently within their regular work programmes. In order to avoid further proliferation of MEA secretariats, the Secretary-General should submit to the General Assembly, through UNEP GC/GMEF, proposals for modalities by which Member States could better formulate and integrally manage multilateral environmental instruments without creating new independent secretariats (**see recommendation 4**).

- Despite its mandate under the Cartagena Package to review the effectiveness of MEAs, UNEP has not developed concrete modalities or capacity to fulfil its mandate. Its various initiatives to create synergies and close inconsistencies among MEAs through intricate working arrangements have proved costly. The General Assembly should support UNEP GC/GMEF in conducting its regular review of the effectiveness of the implementation of all MEAs administered within the United Nations system, in accordance with the Cartagena Package (**see recommendation 5**).

Management framework

- At the country and regional levels, environmental considerations and compliance with MEAs still need to be integrated through the CCA/UNDAF processes into development strategies for developing countries. In this regard, the Secretary-General should submit to the General Assembly, for its consideration and approval, guidelines on the establishment of national and, where appropriate, regional platforms on environmental protection and sustainable development policies which can help Member States coordinate policies among relevant stakeholders on integrated implementation of MEAs in the context of the CCA and UNDAF processes (**see recommendation 6**).

- Inter-agency bodies have failed to establish an information-sharing mechanism on the myriad of environment-related projects implemented by United Nations agencies and other organizations. Results-based management (RBM) has yet to be introduced system-wide. The Secretary-General, as Chairman of the Chief Executives Board for Coordination, should encourage the development of joint programmes and projects by these agencies and organizations through the establishment of a joint system-wide planning framework based on RBM and backed by an inventory of environmental initiatives and actors which will serve as a tool for prior consultations on harmonization of programmes and prioritization of the use of resources within the United Nations system (**see recommendation 7**).

- The creation of a variety of new financial mechanisms for MEAs has not spurred UNEP to reform its funding system. Funding for compliance with MEAs is often unpredictable and inadequate. Moreover, the principle of full funding of "incremental costs" for environmental protection and the additionality of such funding to development assistance, embodied in the Montreal Protocol and the Rio conventions, has eroded. Drawing on a study by the Secretary-General (**see recommendation 8**), the General Assembly should redefine the scope and purpose of incremental costs under existing financial mechanisms for MEAs, taking into account the relationship between these financial mechanisms and the funds available for sustainable development (**see recommendation 9**). This should be done in order to ensure that these mechanisms meet the compliance needs of developing countries and that the Global Environment Facility is extended to additional MEAs.

- Delays in administrative actions to implement commitments by Conferences of the Parties (CoPs) to MEAs have reached alarming levels. This state of affairs is due to the absence of easily accessible budgetary information in the Integrated Management Information System (IMIS); lack of integrated administrative and programme support for MEAs by UNEP and United Nations Office in Nairobi (UNON); failure to attract interest of Geneva-based MEAs in UNEP's Administrative Support Centre (ASC); and inequitable distribution and use of programme support costs among MEAs. In addition, the geographical distribution of staff in the environmental sector is unbalanced. The Secretary-General based on the proposal of UNEP, in consultation with MEA secretariats, should review and define clear delegation of authority, division of roles and responsibilities of the entities concerned with the provision of administrative, financial and human resources management services to the CoPs (**see recommendation 10**), and review and improve the geographical balance in staffing (**see recommendation 11**). In addition, the Secretary-General should increase transparency in the use of the programme support cost resources by charging them to the MEAs against the actual expenditures incurred. Furthermore, these resources should be pooled in a common administrative support budget for the MEAs (**see recommendation 12**).

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ABBREVIATIONS

ACABQ	Advisory Committee on Administrative and Budgetary Questions
CBD	Convention on Biological Diversity
CCA	Common Country Assessment
CEB	Chief Executives Board for Coordination
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	Conference of the Parties
CMS	Convention on Migratory Species
CSD	Commission on Sustainable Development
EMG	Environmental Management Group
FAO	Food and Agricultural Organization of the United Nations
GEF	Global Environment Facility
GC/GMEF	Governing Council/Global Ministerial Environment Forum
IAEA	International Atomic Energy Agency
ILO	International Labour Organization
IMIS	Integrated Management Information System
IMO	International Maritime Organization
IPCC	Intergovernmental Panel on Climate Change
MDGs	Millennium Development Goals
MEAs	Multilateral Environmental Agreements
MLF	Multilateral Fund for the Implementation of the Montreal Protocol
MoPs	Meetings of the Parties
MoU	Memorandum of Understanding
NGOs	Non-governmental organizations
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organization for Economic Cooperation and Development
OIOS	Office of Internal Oversight Services
SAICM	Strategic Approach to International Chemicals Management
SMWTP	System-Wide Medium-Term Environmental Programme
TEAP	Technology and Economic Assessment Panel
UNCCD	United Nations Convention to Combat Desertification
UNCLOS	United Nations Convention on the Law of the Sea
UNCT	United Nations Country Teams
UNDAF	United Nations Development Assistance Framework
UNFF	United Nations Forum on Forests
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNOG	United Nations Office at Geneva
UNON	United Nations Office in Nairobi
WFP	World Food Programme
WHO	World Health Organization
WMO	World Meteorological Organization

I. INTRODUCTION

A. Background

1. In deciding on this review, the Joint Inspection Unit (JIU) took into account the suggestions of the secretariats of the United Nations Industrialization development Organizations (UNIDO) and UNEP for the 2006 annual programme of work of the Unit.

2. In the follow-up to the 2005 World Summit Outcome document,[1] the General Assembly launched an informal consultative process on the institutional framework of the environmental activities of the United Nations. In addition, in April 2007 the Secretary-General presented for consideration by the General Assembly and the relevant inter-governmental bodies of the United Nations system the report of his High-level Panel on United Nations System-wide Coherence in the Areas of Development, Humanitarian Assistance and the Environment, entitled "Delivering as one".[2]

3. As part of its recommendation to upgrade UNEP and give it real authority as the United Nations environment-policy pillar and improve the effectiveness of environmental activities within the United Nations system, the High-level Panel recommended that the Secretary-General commission an independent assessment of the current United Nations system of international environmental governance.

B. Scope of the report

4. For the purposes of the present review, international environmental governance consists of: (a) coherent decision-making and objective-setting for international environmental policies, among different environmental agreements and institutions; (b) institutional architecture to implement and coordinate environmental policies and decisions; (c) management and operationalization of the policies and decisions; and (d) coordination of the effective implementation of international environmental governance decisions at the country level.[3]

5. The JIU review will analyze key areas of environmental governance and management within the United Nations system by focusing on system-wide provision of programmatic and administrative support for Multilateral Environmental Agreements (MEAs), in particular common support services. The report will cover the following subjects:

- Applicable environmental governance principles, policies and framework to ensure synergies among MEAs and other organizations engaged in environment-related activities;
- Management framework for funding, resource management and inter-agency coordination of environmental activities; and
- Mainstreaming environmental protection including through the implementation of MEAs at the country level, particularly in the context of Common Country Assessment (CCA) and United Nations Development Assistance Framework (UNDAF) processes.

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[1] See General Assembly resolution 60/1 of 16 September 2005.
[2] A/61/583 and A/61/836.
[3] Based on the definition of international environmental governance agreed at the Consultative Meeting of MEAs on IEG on 12 April 2001 (for details see UNEP/IGM/2/INF/3).

C. Methodology

6. In accordance with the internal standards and guidelines of the JIU and its internal working procedures, the methodology followed in preparing this report included a preliminary review, questionnaires, interviews and in-depth analysis. Detailed questionnaires were sent to all participating organizations as well as to various MEA secretariats and other organizations and entities (United Nations University, United Nations System Staff College, Global Environment Facility, World Trade Organization, World Bank and the International Fund for Agricultural Development).

7. On the basis of the responses received, the Inspector conducted interviews with officials of the participating organizations. He also sought the views of several other international organizations, non-governmental organizations (NGOs) and representatives of Member States. Comments from participating organizations on the draft report were sought and taken into account in finalizing the report.

8. In accordance with article 11.2 of the JIU statute, this report was finalized after consultation among the Inspectors so as to test its conclusions and recommendations against the collective wisdom of the Unit.

9. To facilitate the handling of the report and the implementation of its recommendations, annex V contains a table indicating whether the report is submitted to the organizations concerned for action, information and review. The table identifies the recommendations relevant for each organization, specifying whether they require a decision by its legislative or governing body or whether they can be acted upon by its executive head.

10. The Inspector wishes to express his appreciation to all those who assisted him in the preparation of the report, and particularly to those who participated in the interviews and so willingly shared their knowledge and expertise.

II. ENVIRONMENTAL GOVERNANCE

A. History

11. The United Nations Conference on the Human Environment, held in 1972 in Stockholm, constituted the first attempt to address the global environment and its relationship to development. It adopted the Declaration of Principles and the Action Plan for the Human Environment. The General Assembly, in its resolution 2997 (XXVII) of 15 December 1972, established the United Nations Environment Programme (UNEP) and its 58-member Governing Council, to be elected by the Assembly. The latter mandated the Governing Council "to promote international cooperation in the field of the environment and to recommend, as appropriate, policies to this end, and to provide general policy guidance for the direction and coordination of environmental programmes within the United Nations system". The resolution also established the Environmental Fund to address the need for effective coordination in the implementation of international environmental programmes not only by United Nations system organizations but also by "other international organizations". It also gave the Executive Director of UNEP broad authority to coordinate environmental programmes within the United Nations system.

12. At the time of its creation, UNEP was equipped with a formidable system-wide governance framework backed by various coordination bodies[4] and a common planning instrument - the System-Wide Medium-Term Environment Programme (SWMTEP). However, these mechanisms were discontinued due to the subsequent evolution in the scope and nature of environmental issues.

13. In the post-Stockholm years, the United Nations system developed fundamental principles and policies to address a broad range of international environmental issues and provide a normative basis for environmental governance both within the United Nations system and MEAs. The 1992 United Nations Conference on Environment and Development (UNCED), also known as the "Earth Summit" adopted Agenda 21 and the Rio Declaration, which mapped out precautionary control measures based on scientific assessments, common but differentiated responsibilities for the protection of the global environment; and the bearing of incremental costs[5] for control measures by the international community. Many of the Rio principles had their origin in the 1989 Montreal Protocol on Substances that Deplete the Ozone Layer. The Earth Summit also provided the occasion for the initiation and signature of three global environment conventions[6] modelled on the Montreal Protocol and gave impetus to the crafting of other environmental instruments.

14. Ever-growing concern over sustainable development, inter alia, and the proliferation and fragmentation of environmental initiatives eroded the embracing mandate of UNEP for environmental governance. Institutional fragmentation and duplication of policies and operations of the multiple environmental initiatives that sprang up after the Earth Summits in

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[4] Environment Coordination Board (ECB), superseded by the Designated Officials for Environmental Matters (DOEM), the Inter-Agency Environmental Co-ordination Group (IAECG) and the Inter-Agency Committee on Sustainable Development (IACSD).

[5] The change in total cost arising from the implementation of an additional measure of environmental protection.

[6] United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CDB) and United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UNCCD).

1992 and 2002. Continuing deterioration of the overall state of the global environment and growing concern on sustainable development led to the creation of the Commission on Sustainable Development (CSD), numerous Multilateral Environmental Agreements (MEAs), the Multilateral Fund for the Implementation of the Montreal Protocol and the Global Environment Facility, and the growing involvement of international organizations and bilateral donors in strengthening norms and institutions, funding, financing and capacity-building in the environmental field (see annex III).

15. Mounting concern over continuing environmental degradation led the General Assembly to endorse the establishment of a special commission on environment and development in 1983.[7] The commission was to put forward a new approach to international cooperation on development and environment based on "sustainable development", defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Its report (the "Brundtland Report")[8] was a catalyst for the Earth Summit of 1992.

16. As part of his 1997 Programme for Reform,[9] the Secretary-General convened a Task Force on Environment and Human Settlement to address the challenges in attaining a sustainable equilibrium between economic growth, social equity and the protection of the environment and in overcoming the proliferation and fragmentation of environmental initiatives. The most significant outcomes of the reform proposed by the Task Force were the endorsement by the General Assembly of the establishment of the Governing Council/Global Ministerial Environmental Forum (GC/GMEF), to be convened as a special session of UNEP Governing Council, to review important environmental policy issues and the inter-agency Environmental Management Group (EMG), which reports to the Governing Council.

17. In 2000 and 2002, the GMEF successively adopted the Malmö Declaration and the Cartagena Package[10] on strengthening environmental governance based on the work of its Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance. The Cartagena Package included recommendations for strengthening UNEP's capacity to improve synergies among MEAs through the periodic review of the effectiveness of MEAs by the GC/GMEF and fostering environmental policy coordination across the United Nations system based on the work of the EMG.

18. The World Summit on Sustainable Development (WSSD), held at Johannesburg in 2002, endorsed the Cartagena Package. It also renewed the international community's commitment to promote sustainable development through the integration of the three interdependent and mutually reinforcing pillars of sustainable development: economic development, social equity and environmental protection. The Summit broadened the scope of governance far beyond the confines of UNEP, rendering coordination of multilateral policies and decisions much more complex for UNEP.

19. Nevertheless, numerous General Assembly and Economic and Social Council resolutions, notably General Assembly resolution S-19/2 of 28 June 1997, state that good governance for sustainable development consists of properly constructed strategies to enhance prospects for economic growth and employment and at the same time protect the environment. The Cartagena Package also affirms that successful environmental governance requires mainstreaming environmental protection into developmental and economic policies through

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[7] General Assembly resolution 38/161 of 19 December 1983.
[8] A/42/427, annex.
[9] A/51/950.
[10] UNEP GC/GMEF decision SS.VII/1 on international environmental governance.

the development of a coherent system-wide policy and a resources management framework through GC/GMEF of UNEP. The World Summit reaffirmed that the General Assembly should give an overall political direction for the implementation of Agenda 21 through integrating the three dimensions of sustainable development in a balanced manner drawing on the assistance of the Economic and Social Council and the CSD, while tasking UNDP with operationalizing such integration in the field.

20. Thus, a conceptual consensus exists within the United Nations system as to the aim and scope of environmental governance and the relationship between sustainable development and environmental protection, as well as what needs to be done institutionally to put them into practice.

B. Framework for environmental governance within the United Nations system

21. As discussed before, the Earth Summit outcome documents, the Rio Declaration, Agenda 21[11] and the Cartagena Package developed fundamental principles and policies to address a broad range of international environmental issues and provide a normative basis for environmental governance both within the United Nations system and MEAs. Two basic questions should be answered.

1. How can the environmental governance framework defined by the Rio and Johannesburg Summits advance sustainable development?

22. The environmental governance structure defined by the Rio and Johannesburg Summits is sustained by UNEP, MEAs and developmental organizations and consists of assessment and policy development, as well as project implementation at the country level. The Inspector notes, from a systemic analysis[12] undertaken by a consultant agency for UNEP, that the governance structure consists of a chain of phases of (a) assessment of environment status; (b) international policy development; (c) formulation of MEAs; (d) policy implementation; (e) policy assessment; (f) enforcement; and (g) sustainable development. Traditionally, UNEP has focused on the normative role of engagement in the first three phases. Phases (d) to (f) are covered by MEAs and the phase of sustainable development involves developmental organizations such as UNDP and the World Bank.

23. However, environmental governance thus outlined is not pursued in actual fact either at the normative or operational levels, due to the blurred distinction between sustainable development and environmental protection. During interviews, the Inspector noted that his interlocutors had difficulties in distinguishing and coordinating sustainable development and environmental protection in their work programmes. The difficulties derive from a number of facts.

24. Firstly, the development of environmental governance framework by such coordinating forums as UNEP/GMEF, CSD, the Economic and Social Council and the General Assembly had little relevance to the organizations with specific and sectoral environment-related responsibilities. For example, the primarily interest of Parties to MEAs is compliance with environmental control measures rather than a holistic approach to environmental governance.

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[11] Agenda 21 defines action programmes in four sections: (a) social and economic dimensions; (b) conservation and resources for development; (c) strengthening the role of major groups; and (d) means of implementation.

[12] Dalberg, Operationalizing the Bali Plan, UNEP, Final Draft, 28 March 2006, P. 6.

25. Secondly, those interviewees in development organizations believe, given their core mission to promote growth and reduce poverty, that environmental degradation as a corollary of poverty can be reversed through the eradication of poverty. Although they intend their activities to be consistent with environmental norms, the Inspector found little evidence of conscious efforts to mainstream compliance with MEAs in their operational activities.[13] For example, most of the environmental activities of UNDP's environmental focal points in country offices are concerned with the implementation of the GEF work programme and the Millennium Development Goals (MDGs), but not the implementation of MEAs.

26. Thirdly, when international development organizations step up assistance to developing countries in meeting the MDGs for sustainable development, they often increase environment-related assistance for normative capacity-building without much coordination with the assistance programmes of MEAs for treaty compliance. In contrast, most MEAs have not been able to secure adequate funding, not only for their own normative compliance and capacity-building assistance programmes but also for related economic and social assistance through co-financing by non-MEA entities.

27. Fourthly, effort of UNEP and MEAs to integrate environmental considerations into sustainable development at the operational level has not been pursued in the context of the CCA/UNDAF processes (see detail in chapter III.A below). Their competence and capacity to undertake operational activities in the field are limited.[14]

28. The capacity-building assistance provided by the Multilateral Fund for the Implementation of the Montreal Protocol (MLF) is an exceptional but tangible example of a model of a financial mechanism to fully meet incremental costs for normative activities as distinct from developmental funding while successfully mainstreaming environmental activities in the broader framework for sustainable development in the field.

29. From 2000 to 2006, expenditure of development agencies for environment-related operational activities grew far more than the expenditure of UNEP and MEAs for normative activities for environmental protection (see box below). In addition, this environment-related assistance is unpredictable and subject to will of donors reflecting a variety of development goals and priorities. Unless better linkage is established between normative and operational activities in the field of environment, duplication of work will persist.

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[13] Poverty eradication undertaken by the World Bank, the Poverty and Environment Initiative, the Joint Climate Change Initiative and the Partnership on Chemicals of UNDP and UNEP are examples of such cases.

[14] See paragraph 79.

Expenditures on normative vs. operational environmental activities within the United Nations system
(in millions of United States dollars)

	1993	2000	2006
I. Normative activities			
Environmental protection activities by UNEP funds	59.8	139.5 (16.7 per cent)**	132.5(-0.9 per cent)**
Total expenditures for UN/UNEP-administered MEAs***	6.8	45.0 (31.0 per cent)	76.3 (9.7per cent)
II. Operational activities			
Non-UNEP operational activities for development devoted to environment*	149.4	176.7 (2.4 per cent)	332.7 (10.6 per cent)
UN system operational activities for development	5,153.3	6,494 (3.4 per cent)	16,368.4 (16.7 per cent)

*Undertaken by UNDP, UNICEF and specialized agencies.
** The percentage in parentheses indicates growth per annum over the previous period.
*** Core activities.
Sources: For operational activities, A/61/77-E/2006/59 and A/63/71-E/2008/46.
For normative activities: for 1993 and 2000, financial reports and audited statements in Reports of the Board of Auditors (e.g. A/49/5/Add.6 to A/63/5/Add.6) and A/61/203 on UNFCCC; and 2006, budget performance reports of organizations concerned.

30. The current framework of international environmental governance is undermined by the absence of a holistic approach to environmental issues and lack of clear operational linkages between development assistance on the one hand, and compliance and capacity-building assistance for environmental protection in developing countries, on the other. Lack of distinction and coordination between sustainable development and environmental protection in the work programmes of the United Nations organisations has been a major source of duplication and fragmentation of their work, which Member States need to tackle. Conscious of the need for such distinction and coordination as well as the above operational linkages, the Secretary-General should assist Member States in defining the division of labour among developmental agencies, UNEP and the MEAs outlining their respective areas and types of normative and operational capacity-building activities for environmental protection and sustainable development.

The implementation of recommendations 1 to 3 below is expected to enhance the overall effectiveness of environmental governance within the United Nations system.

Recommendation 1

The Secretary-General should submit to the General Assembly for its consideration through the UNEP Governing Council/Global Ministerial Environmental, a clear understanding on the division of labour among development agencies, UNEP and the MEAs, outlining their respective areas and types of normative and operational capacity-building activities for environmental protection and sustainable development.

2. How can strategic environmental protection and sustainable development goals be integrated into a system-wide results-oriented framework for managing programmes and resources?

31. Obstacles to such a framework are threefold.

32. Firstly, there is no single strategic framework embracing the entire United Nations system. In 1998, the General Assembly decided that the United Nations' four-year Medium-

term Plan would no longer be the policy orientation of the United Nations system[15] and the successor document - the Strategic Framework for the periods 2008-2009[16] and 2010-2011[17] - is not a system-wide instrument. Consequently, the SWMTEP, which constituted an integral part of Medium-term Plan, lost its system-wide scope. The current Medium-term Strategy of UNEP for 2010-2013,[18] which is its own evaluation tool, is not a system-wide instrument either.

33. Secondly, as evidenced in the analysis of the programme performance of the United Nations for the biennium 2004-2005,[19] similar activities were carried out under budget sections for sustainable development and for environment, under the slogan of mainstreaming environment into sustainable development or integrating the environmental dimension of sustainable development into the development process. Both these sections cover sectoral environmental issues outlined in Agenda 21 such as oceans and seas, fresh water, land management, forests, biodiversity, chemicals, hazardous waste, air pollution and sustainable use of energy and other resources.

34. Thirdly, on various occasions, United Nations system entities formulated duplicative resource requirements, in particular in environmental sectors, without justifying them within a system-wide strategic planning. For example, under the revised estimate of the regular budget for the period 2008-2009, the Secretary-General requested additional posts to strengthen coordination and assessment capacity of various departments and regional commissions in the areas of climate change and sustainable development, but did not submit details on coordination mechanisms with the rest of the entities of the system implementing related mandates.[20]

35. Upgrading the United Nations Strategic Framework for long-term objectives and the UNEP Medium-Term Strategy to system-wide instruments would allow the integration of the strategic goals of environment-related organizations into a single governance framework for sustainable development and environment. To this end, the United Nations Strategic Framework should consider including in its part one, i.e. a plan outline reflecting the longer-term objectives of the Organization a system-wide policy orientation for environmental protection and sustainable development of the United Nations system starting from the period 2012-2013. In the event of such decision, the General Assembly should request the Secretary-General to submit to it a draft system-wide orientation after inter-agency consultation through the CEB.

36. At the same time, drawing upon the experience gained from the SWMTEP, the General Assembly should enable the UNEP Governing Council/Global Ministerial Environment Forum to adopt the Medium-Term Strategy of UNEP as a means of planning the environmental activities of the United Nations system as an integral part of the Strategic Framework.

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[15] See General Assembly resolution 53/207 of 18 December 1998, and A/53/133.
[16] A/61/6.
[17] A/63/6.
[18] UNEP/GCSS.X/8.
[19] A/61/64.
[20] A/62/7/Add.40, Report of the ACABQ, and A/62/708.

Recommendation 2

The General Assembly should consider adding a system-wide policy orientation for environmental protection and sustainable development of the United Nations system in the United Nations Strategic Framework for the biennium programme plan; and in the event of this decision, should request the Secretary-General to prepare such a system-wide orientation for its approval through the Chief Executives Board.

Recommendation 3

The General Assembly should also decide to authorize the UNEP Governing Council/Global Ministerial Environment Forum to adopt the Medium-Term Strategy of UNEP as a system-wide instrument constituting an integral part of the United Nations Strategic Framework.

C. Agenda-setting based on scientific assessments

Role of independent assessments

37. MEAs, United Nations organizations, NGOs and other stakeholders tackle a broad range of current and emerging environmental issues through their scientific and technical bodies. These bodies are expected to give independent and representative views of the epistemic communities, specialized institutions and NGOs across the globe and their assessments provide the basis for agenda setting in the field of environment.

38. A case in point is the Montreal Protocol. Its expert panels collaborate with research institutions worldwide. Their joint assessments are largely impartial and serve as a fair ground for negotiations among the Parties. Pursuant to article 6 of the Protocol, the Parties may consider adjustments and amendments to control measures for ozone-depleting substances only on the basis of recommendations by the appropriate panels of experts. The meeting of the Contracting Parties has adopted the same practice in tackling emerging issues and deciding on the replenishment of the MLF relying on its experts' guidance.

39. Unlike the panels of the Montreal Protocol and other traditional independent scientific and technical bodies, scientific bodies established within the framework of other MEAs tend to call upon Government or COP-appointed experts. Some of these experts are employed as consultants of the secretariats and are therefore not entirely independent. Rarely, the findings of scientific bodies established within the framework of other MEAs constitute the sole basis for the parties' decisions.

Conflict of interest and selection of experts

40. The scientific and technical bodies established within the framework of MEAs are generally composed of Government-designated experts and the cost of their participation in meetings is primarily borne by their employers and Governments, or by special voluntary funds. The Inspector believes that, in addition to the general selection criteria based on equitable regional representation and relevant expertise, other criteria should be adopted to ensure the provision of representative views of the epistemic communities of the world; their independence and impartiality; and the avoidance of conflict of interest. In this regard, the Inspector was informed of relevant good practices such as oath-taking and disclosure of personal data in an attempt to address conflict of interest under several MEAs, including the Montreal Protocol, UNFCCC, the Rotterdam Convention (decision RC-1/7), the Stockholm

Convention (decision SC-1/8) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (see Conference of the Parties, CoP Doc. 8.4 (Rev.)).

41. In view of the various practices followed by the MEAs, the Inspector is of the view that the Secretary-General, with the assistance of the Executive Director of UNEP, should consider harmonizing their practices by formulating guidelines for conflict of interest of experts participating in technical and scientific panels and committees in the field of environment.

D. Governance of multilateral environmental agreements

Proliferation of multilateral environmental agreement secretariats

42. The first environment-related multilateral treaty dates back to 1868 (Revised Convention on Navigation on the Rhine). However, the vast majority of MEAs have been adopted since the Stockholm Conference in 1972. According to UNEP, there are today more than 500 international treaties and other environment-related agreements, 70 per cent of which are regional. There are currently 45 MEAs of global geographical scope with at least 72 signatory countries (see list in annex I).

43. Various United Nations system organizations manage MEAs and other environment-related conventions. Their support varies from facilitating norm creation and promoting advocacy and knowledge transfer, to more operational activities to assist the Parties to comply with their reporting obligations and facilitate domestic implementation. MEAs can be classified into three broad types.

44. The first type includes environment-related agreements adopted under the aegis of organizations within the United Nations system. The secretariat functions of these agreements are embedded in these organizations, which manage the conventions as an integral part of their work programme.

45. IMO administers 50 multilateral conventions and protocols on maritime safety and marine environment. ILO services 11 environment-related conventions in the field of occupational health and safety, out of 187 conventions that set international labour standards. Similarly, IAEA provides the Parties to five nuclear-safety conventions with secretariat services. The United Nations Economic Commission for Europe (UNECE) provides five regional environmental conventions and 12 protocols with secretariat facilities of the Environment, Housing and Land Management Division composed of only 20 regular professional staff. FAO has a similar link with several conventions and agreements in the field of food and agriculture. The world Heritage Centre, which serves as the secretariat of the World Heritage Convention, is an integral part of UNESCO, which obviates the need to conclude trustee arrangement with the CoP. The 1982 United Nations Convention on the Law of the Sea has secretarial facilities housed in the Division for Ocean Affairs and the Law of the Sea of the United Nations in New York.

46. Resources available to this type of conventions are embedded in the administering organizations and are more modest than those of independent secretariats. Under this type of MEA, there is no automatic increase in resource requirements whenever a new MEA is created.

47. The second type of MEA consists of agreements adopted by plenipotentiary conferences and negotiating committees convened under the aegis of UNEP or other non-United Nations

bodies such as the International Union for Conservation of Nature (IUCN) in the case of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Many of these MEAs have designated UNEP as their host organization, responsible for providing them with secretariat services. UNEP exercises this function through seven secretariats for nine global conventions and protocols and eight secretariats for eight regional conventions.

48. The third type of MEA includes agreements whose secretariats are institutionally linked to the United Nations, but without being fully being integrated into the work programme and management structure of the Organization. UNFCCC, UNCCD, and to some extent CBD, belong to this category. The Conferences of the Parties have trusteeship agreements with the United Nations recognizing the independent status of these MEAs and the autonomous competence of their secretariats to implement the work programme, budget and policies established by the CoPs.

49. The United Nations has been the principal arena for crafting these MEAs. New agreements are still being generated under the aegis of UNEP, which often encourages the establishment of separate secretariat functions. Recent examples include the 2003 Convention on the Protection and Sustainable Development of the Carpathians, with its UNEP-hosted interim secretariat based in Vienna, and the 2006 Framework Convention for the Protection of the Marine Environment of the Caspian Sea.

50. The separation of powers between the CoP and the host organization has often caused frictions over issues such as allocation of resources for programme support and personnel arrangements, including the appointment of executive heads. Moreover, new conventions in this category require the appropriation of funds for a nucleus staff comprising an executive director and at least three administrative and finance staff.

51. As shown in the graph below, the financial implications for establishing independent secretariats for MEAs (second and third types indicated as "MEAs") are significant. The indexes are based on unit costs per MEA and convention, obtained by dividing the total regular/core budget of these global MEAs and conventions (third type indicated as "UN Agencies' conventions") under the custody of selected United Nations agencies[21] by the respective numbers of MEAs and conventions in force in each biennium from 1992/1993 to 2004/2005.[22] During the period under review, the unit cost of the MEAs grew by a factor of 4.7, compared to 1.2 for conventions under the custody of United Nations agencies.

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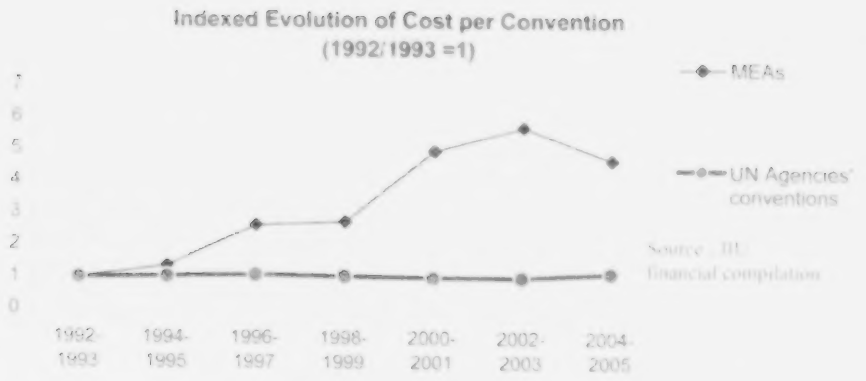
[21] ILO, FAO, IMO, IAEA and UNESCO.

[22] The total number of conventions grew from 239 in 1992/1993 to 269 in 2004/2005, whereas the number of global MEAs of the first two types grew from 6 to 12 (9 agreements and 3 protocols administered by the United Nations and its environment programme).

Figure I



52. UNEP has no authority to administer or implement MEAs formulated under its aegis, except in cases of explicit agreement with the CoPs. In addition, it cannot fully administer MEAs whose contracting parties far out number the limited membership of its GC/GMEF.

53. Universal membership of GC/GMEF[23] could be a major advance as it will enhance the legitimacy and authority of UNEP by allowing it to adopt and administer MEAs within its permanent structure. Alternatively, the General Assembly could adopt MEAs based on the work of UNEP and entrust UNEP with a mandate to manage and implement them.

54. The above set-up will be more efficient and cost effective than the existing MEA arrangements since it will require only a single plenary body and fewer subsidiary organs and secretariat services. In addition, it will ensure a more coherent approach to financial, administrative and personnel arrangements and rules of procedure.

55. The Inspector is of the view that the United Nations should undertake a thorough review of the need for establishing an independent secretariat each time Member States agree on a new MEA. To assist the task of the General Assembly in this regard, the Secretary-General should, with the assistance of the Executive director of UNEP, study the adoption process and management of MEAs in the light of the experience gained by organizations that provide environmental conventions with secretariat services which are embedded within their structure. And on that basis, he should submit proposals to the General Assembly – through the UNEP Governing Council/Global Ministerial Environment Forum - on modalities by which Member States can better formulate and manage MEAs without creating an independent convention secretariat.

The implementation of recommendation 4 below is expected to improve the effectiveness of MEAs and to achieve savings and a more rational use of resources.

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[23] Note of the Executive Director (UNEP/GCSS.VIII/INF/6).

Recommendation 4

The Secretary-General, with the assistance of the Executive Director of UNEP, should propose to the General Assembly – through UNEP Governing Council/Global Ministerial Environment Forum – modalities by which Member States can better formulate and manage MEAs without creating an independent convention secretariat.

Coordinated and integrated implementation of multilateral environmental agreements

56. Ensuring coordinated and integrated implementation of MEAs has been a major challenge to UNEP in exercising its original coordinating mandate. Prior to the adoption of the Cartagena Package in 2002, the Inter-Agency Environment Management Group and the Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance, which were convened by UNEP, identified a variety of key areas in which United Nations agencies could enhance synergies among MEAs.[24]

Synergies among Conferences of the Parties

57. The experiences of a few MEAs demonstrate the limited possibilities for individual conventions to enhance synergies in the absence of a regular mechanism to address incoherencies at the administrative and programmatic levels and solve substantive contradictions between environmental conventions.

58. In 2006, based on proposals by the UNEP secretariat, the respective Contracting Parties endeavoured to cluster the three chemical conventions[25] as a means to achieve a de facto merger of secretariat services and cost savings. From March 2007 to March 2008 they convened three times a tripartite Ad hoc Joint Working Group on Enhancing Cooperation and Coordination of 45 countries which agreed on a recommendation for adoption by the three Conferences of the Parties.[26] It has been a costly exercise.[27] The recommendation still needs to be approved by each of the respective CoPs scheduled to be held from June 2008 to May 2009, and it awaits effective implementation after a simultaneous extraordinary meeting of the CoPs in 2010.

59. Another example of an attempt to address existing gaps between the MEAs relates to ozone layer depletion and climate change, regulated by the Montreal Protocol and UNFCCC and its Kyoto Protocol. These two regimes developed conflicting measures: use of some greenhouse gases such as hydrofluorocarbons (HFCs), which is regulated under the Kyoto Protocol, has often been admitted under the Montreal Protocol as an alternative to ozone depleting substances (ODS). Use of hydrochlorofluorocarbons (HCFCs) such as HCFC 22,

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[24] These included: scientific and technical assessments; implementation, compliance and enforcement; advocacy and outreach; mainstreaming environment protection in sustainable development; financial and administrative arrangements; capacity-building and technical assistance; monitoring and reporting; joint meetings; joint programming; and information management.

[25] The Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal; the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

[26] UNEP/CHW.9/14.

[27] A rough estimate cost of a three-day Working Group in Helsinki stands at US$ 112,500 for travel and daily subsistence allowances alone.

which has a high global-warming potential, is allowed with some restrictions under the Montreal Protocol, but is not at all restricted under the Kyoto Protocol.

60. In 2007, the Parties to the Protocol reached agreement[28] to bring forward the final phase-out date of HCFCs, known for their high global-warming potential, thus preventing their production from doubling, at the twentieth anniversary meeting of the Parties to the Montreal Protocol. The successful outcome of that meeting is emblematic of the ability of a CoP/MoP to come up with a bridging concept to ensure complementarities with other MEAs. But it should be recalled that a regular mechanism to solve substantive contradictions in control measures was not available despite a solution proposed to Member States by the expert bodies of these regimes since 1997 based on the environmentally responsible principle bridging the policies of the two conventions.[29]

Initiatives by UNEP

61. UNEP has played an instrumental role in developing inter-secretarial channels through its Division for Environmental Conventions (DEC). One such initiative was the convening of 10 coordination meetings of MEA secretariats. The last meeting, in 2004, adopted a package agreement on the need to improve coordination among MEA secretariats and provide them with increased support. It was agreed, inter alia, that UNEP should: (a) play a greater role in providing political support to MEAs by preparing a research database on gaps and emerging issues; (b) examine potential conflicts between MEAs and highlight linkages between the agendas of various international meetings; (c) follow-up on contracting parties' decisions on strengthening capacity-building.[30]

62. Impressive as these recommendations were, they were not implemented, mainly because they were not backed by adequate intergovernmental decisions.

63. At the intergovernmental level, UNEP has been given lead responsibility for improving coordination and coherence between MEAs[31] and developing international environmental law[32] through the Montevideo Programme III. However, initiatives in these areas have been only partially successful. With regard to compliance and enforcement procedures, the Council confined its competence to developing advisory and non-binding guidelines, whereas technical, scientific and legal expertise as well as capacity building support were restricted to the inter-agency administrative level and provided only upon request.

64. The "Cartagena Package" might be a solution as it called for "a periodic review of the effectiveness of MEAs", stating that "coordination could be fostered by having the GC/GMEF review progress by the CoPs of MEAs, with due regard to their respective mandates, in developing synergies in areas where common issues arise". However, due to the limited membership of the GC/GMEF, its competence to engage in periodic reviews of synergies and linkages between MEAs remains quite circumscribed. Furthermore, the "Cartagena Package" made coordination and support by UNEP conditional upon request by the CoPs.

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[28] Decision XIX/6 of the MOP of the Montreal Protocol, UNEP/Ozl. Pro.19/7.
[29] HFC and PFC Task Force of the Technology and Economic Assessment Panel, "The implications to the Montreal Protocol of the inclusion of HFCs and PFSc in the Kyoto Protocol", UNEP, October 1999. IPCC/TEAP Special Report on Safeguarding the Ozone Layer and the Global Climate System: Issues related to Hydrofluorocarbons and Pertfluorocarbons, November 2005.
[30] UNEP/GC.23/3/Add.4.
[31] UNEP GC/GMEF decision SS.VII/1 on International Environmental Governance, 2002.
[32] Rio Conference Agenda 21, Chapter 38.

65. In view of its overall role to ensure the implementation of Agenda 21, the General Assembly regularly receives and considers reports of the Rio conventions on their activities. It could avail itself of this occasion to enhance complementarities among MEAs and energize the review process by UNEP/GMEF of the effectiveness of MEAs, thus strengthening the capacity of UNEP to implement the "Cartagena Package".

Observations

66. The international environmental governance system is characterized by a great variety of complex synergetic efforts, including clustering to address fragmentation, attempts to close gaps in issue coverage, administrative coordination, as well as costly ad-hoc inter-governmental processes to reconcile contradictions between different treaties and organizations with environmental responsibilities. In this regard, the Inspector is of the view that the General Assembly should enhance UNEP's mandate under the Cartagena Package to undertake a horizontal and periodic review of the effectiveness of MEAs and consultation with the secretariats of the MEAs and act as a regular mechanism to rectify inconsistencies among them[9] and develop synergies where common issues arise.

The implementation of recommendation 5 below is expected to enhance the effectiveness of UNEP's mandate and the coherent implementation of MEAs.

Recommendation 5

The General Assembly should provide the UNEP Governing Council/Global Ministerial Environment Forum with adequate support through activating its own regular review of the reports of MEAs to enhance GC/GMEF's capacity to fulfil its mandate to review and evaluate, on a regular basis, the implementation of all MEAs administered within the United Nations system, with a view to ensuring coordination and coherence between them in accordance with decision SS.VII/1 and keep the Assembly informed of progress made.

III. MANAGEMENT FRAMEWORK

67. As pointed out in chapter II above, the international environmental governance system continues to suffer from inadequate coherence and coordination due to the lack of: (a) a common mechanism to resolve contradictions among MEAs, (b) a United Nations system-wide planning document on environmental assistance, and (c) a framework for common administrative, financial and technical support services to promote synergies between United Nations agencies and MEAs. These factors have a detrimental impact not only on environmental governance but also on resource management both at the headquarters and field levels.

68. Assessment of policy needs and availability of resources at the country level generally ensures good resource management for the synergetic implementation of MEAs. A field-level, bottom-up assessment process will also ensure sound management of resources at the global level. However, lack of coherent resource management framework based on common support services by United Nations organizations prevents this process from taking place.

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[9] GC/GEMF decision SS.VII/1, notably paragraphs II (b) (iv), 28, and 30.

A. Resource management framework at country and regional levels

Difficulties in formulating national environmental platforms

69. For example, the case of toxic waste dumping by a foreign vessel off Côte d'Ivoire in August 2006 illustrates the need for increased awareness by developing Contracting Parties of the importance of compliance with MEAs dealing with trans-boundary environmental hazards. However, the relevance and contribution of MEAs to sustainable development is yet to be proven in developing countries.

70. A successful implementation of MEAs requires development of nationally owned platforms or mechanisms to ensure coordination and collaboration among stakeholders in environmental assessment, early-warning and decision-making processes, and compliance with the conventions.

71. In most developing countries, focal points for MEAs are mostly concentrated in a few government departments whereas in other countries they are scattered in many line ministries and provincial governments with little central authority to coordinate policies and liaise with MEAs and international organizations. The Inspector noted an exemplary case of Thailand's National Environment Board. This body, which comprises line ministries, provincial governments, private-sector think thanks and NGOs, acts as a forum to promote national consensus on environmental issues and on the country's needs while complying with MEAs.

72. UNEP and UNDP have started to assist developing countries in preparing national reports on the implementation of MEAs; establishing thematic committees and coordinating; and sharing best practices among bodies using GEF funding such as the National Capacity Self-Assessments (NCSA), the National Dialogue Initiative and UNDP Country Support Programme. However, these programmes have yet to take the lead in facilitating the establishment of national coordination committees/platforms for the implementation of MEAs. Furthermore, the list of UNEP country focal points has not been updated and used for linking national focal points for MEAs.

Difficulties in integrating environmental platforms into the CCA/UNDAF processes

73. United Nations system organizations and MEAs have come up against serious difficulties implementing a "One UN" approach in the environmental field through the CCA/UNDAF processes.

74. Firstly, these processes do not address issues of compliance with the MEAs. They are still "issue-free" in the words of a senior official at United Nations Development Group (UNDG), in that they are mostly based on the amalgamation of donor-driven separate initiatives by the operating agencies subject to the availability of developmental funding.

75. Secondly, replies to the JIU questionnaire revealed that all most all the independent MEA secretariats and the MLF, including its implementing agencies, found little relevance of the CCA/UNDAF processes for the implementation of their country compliance programmes and projects although they use the logistical facilities of the offices of the United Nations Resident Coordinators/UNDP Resident Representatives.

76. Thirdly, the United Nations Development Group is yet to establish modalities by which to address the concerns of non-resident organizations such as MEAs, UNEP, IMO, WMO and IAEA. Several Resident Coordinators in Asia suggested that non-resident entities could have been able to attend meetings where the United Nations Country Teams (UNCTs) and their thematic groups adopt major decisions if sufficient notice is done well in advance.

77. Fourthly, both national focal points for MEAs and those designated to liaise with UNEP clustering programmes (e.g. the Green Customs Initiative and the Strategic Approach to International Chemicals Management (SAICM)) have rarely participated in the work of the UNCTs and their thematic groups. The representatives of the regional centres of the Basel Convention in Beijing and Cairo have never been invited, either.

78. Nevertheless, the Inspector notes that the 2007 revised Guidelines for UNCTs on preparing a CCA and UNDAF are designed to rectify these shortcomings. He hopes that these guidelines will help UNCTs to develop good practices and incorporate environmental sustainability and the implementation of MEAs into their work programme. In this connection, he also notes a proactive interest in the "One UN programme" by the Parties to CBD.[34]

Memorandum of understanding between UNEP and UNDP

79. In 2004, UNEP and UNDP concluded a memorandum of understanding (MoU)[35] setting out their general framework of cooperation in the area of environmental capacity development. Among others, the MoU granted UNDP a full mandate to implement and coordinate operational activities at all levels, especially in the field of sustainable development and mainstreaming of environment into sustainable development. But the MoU allows UNEP and MEAs to implement operational activities only when they are entrusted with specific projects, programmes and resources by their multilateral financial mechanisms.

80. While it is clear that every State must comply with MEAs at the national level, the MoU hardly bears reference to mandates of UNEP and MEAs to undertake operational activities to assist the State at the country-level. Resource constraints and a simplistic interpretation of the MoU by field officers are the main reasons why UNEP has not established enough environmental focal points in UNDP country offices.

81. The Inspector noted with interest "Guidelines for integrating disaster strategy for disaster reduction into CCA and UNDAF"[36] and "Guiding principles: national platforms for disaster risk reduction"[37] as a possible best practice that can be followed.

82. The Inspector is of the view that, as part of the CCA/UNDAF processes and in consultation with the relevant agencies and MEAs, the Secretary-General with the assistance of UNEP and UNDP should develop guidelines for establishing national and regional platforms and coordinating mechanisms to streamline compliance of Member States with MEAs so as to ensure the implementation of environmental protection and sustainable development policies and have the MoU between UNEP and UNDP revised accordingly.

Cooperation and coordination at regional level

83. Regional bodies also play a major role in the environmental governance system. Given their strategic positioning, United Nations regional commissions have successfully provided since 1992 platforms for the preparation of regional consensus for the Earth Summit. The Commissions also promote environmental norms and conventions and provide technical

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[34] UNEP/CBD/COP/9/4, p. 21.
[35] UNEP-GC.23/INF/13.
[36] Contained in Draft Guidance Note, ISDR secretariat and UNDP, 23 March 2006.
[37] Working document of the ISDR secretariat, 17 October 2005 (available at www.unisdr.org/eng/country-inform/ci-guiding-princip.htm).

assistance through regional advisory services, capacity-building workshops and projects. As recognized by the Earth Summit, regional approaches to the development and implementation of conventions could be rendered more effective in certain areas, especially with regard to trans-boundary issues, as evidenced by the UNECE conventions and their associated protocols.

84. The Inspector is of the view that ECOSOC should provide a platform for coordination between the Regional Commissions and UNEP so as to enable Member States to benefit more from the fora and expertise of the Commissions, instead of relying exclusively on the services and support of UNEP.

The implementation of recommendation 6 below would enhance efficient coordination of capacity-building activities in the field.

Recommendation 6

The Secretary-General - on the basis of a proposal of the Executive Director of UNEP and consultations with MEA secretariats - should submit to the General Assembly, for its consideration and approval, guidelines on the establishment of national and, where appropriate, regional platforms on environmental protection and sustainable development policies which can integrate the implementation of MEAs into the CCA and UNDAF processes.

B. Resource management framework at global level

Inter-agency administrative coordination

CEB Framework

85. From 1993 to 2001 the Administrative Committee on Coordination (ACC) and the CEB had a central forum, i.e. the Inter-Agency Committee on Sustainable Development (IACSD) to identify major policy issues relating to the follow-up to the United Nations Conference on Environment and Development (UNCED) and to advise on ways and means of addressing these issues so as to ensure effective system-wide cooperation and coordination in the implementation of Agenda 21.

86. In 2001, the CEB abandoned a holistic approach. It disbanded IACSD and took steps to establish and strengthen inter-agency collaborative arrangements in the key areas of fresh water, sanitation, energy, oceans and coastal areas, and consumption and production patterns. The CEB identified 27 collaborative initiative by United Nations organizations to achieve the Millennium Development Goal to "ensure environmental sustainability"[38] and has formed the following sectoral groups: UN-Water, UN-Oceans, International Strategy for Disaster Reduction, the Marrakesh Process and UN-Energy.[39]

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[38] See report of the CEB to the 2005 World Summit, entitled "One United Nations-catalyst for progress and change".

[39] See http://www.unwater.org/flashindex.html; http://www.un.org/esa/sustdev/inter_agency/inter_agency_2_un_oceans.htm; www.unisdr.org/unisdr/; http://esa.un.org/marrakechprocess/; and http://esa.un.org/un-energy/index.htm.

UNEP and EMG frameworks

87. UNEP has no database that gives a comprehensive overview of all environmental programmes, projects, expenses, MoUs and letters of commitment exchanged with other United Nations agencies and bodies with regard to support to MEAs. However, the Inspector was informed that as at September 2007 UNEP had a sample list of 49 joint projects and programmes in the areas of world climate impact assessment, biodiversity, protection of regional seas, marine pollution, chemicals and waste control, customs and illegal trade, harmonization of MEA reporting requirements, health and environmental initiatives, education for sustainable development and advocacy.

88. The compilation of this partnership list should be viewed in the context of UNEP leading role and the legacy of its System-Wide Medium-Term Environment Programmes,[40] which embraced all environmental and environment-related activities of United Nations system organizations.[41] According to ACC, SWMTEP proved to be "useful" instrument "as a compilation of activities and as a coordinating tool in the field of environment".[42] The ACC considered that it should be developed into a system-wide document containing "strategic joint goals".[43]

89. The 1996 reform of the United Nations secretariat tried to develop such goals, but with no success due to the lack of a holistic method inherent to the issue-management approach[44] promoted by EMG.

90. Even with regard to housekeeping matters such as sustainable procurement, energy savings and waste disposal by the secretariats, EMG has failed to convince its member agencies to adopt relevant system-wide policies to be backed by the High Level Committee on Management. For instance, all United Nations agencies, except UNU and IAEA, are yet to adopt International Organization for Standardization (ISO) 14001 environmental management standard.[45]

91. In its 2004 "Study of the Environmental Management Group", the UNEP Evaluation and Oversight Unit reported that donors committed funds to 60,000 United Nations environment-related projects and recommended the establishing of an information sharing system on the respective work programmes of environmental agencies. Regrettably and despite repeated calls by the Governing Council, the Executive Director of UNEP, acting as a focal point for the ACC/CEB and chairman of the EMG has not come up with a system-wide strategy instrument that identifies the roles, responsibilities and activities of United Nations agencies involved in the field of environment and MEAs.[46]

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[40] SWMTEP I from 1984 to 1989 and SWMTEP-II from 1990 to 1995.
[41] See, for example, SWMTEP for 1990-1995 in UNEP/GCSS.1/7/Add.1, approved by the Governing Council in decision SS.1/3 of 18 March 1988.
[42] UNEP/GC.17/6, para. 14.
[43] UNEP/GC.18/36, para. 9.
[44] A/51/950, paras. 248-250.
[45] Applicable to all kinds of organizations to protect the environment, to prevent pollution, and to improve their overall environmental performance. The new ISO 14001 standard was officially published on November 15, 2004. It cancels and replaces the old ISO 14001 1996 standard.
[46] See GC decisions 19/9 in 1997 and 20/13 in 1999.

MEA cluster mechanisms

92. Since the inception of MEAs, most CoPs have requested their secretariats to develop information systems, including a clearinghouse on the expertise, capabilities and funds available to the Parties and the relevant international organizations for the implementation of the conventions instead of self-contained resources. The Inspector noted a good practice among several MEAs engaged in normative and technical assistance activities to draw on commonly available resources on a costed basis to foster the implementation process.[47]

93. Most of the initiatives in these fields were undertaken at the thematic and cluster levels based on memoranda of understanding and resulted in cooperative frameworks for biodiversity, chemical substances,[48] the Green Customs Initiative and United Nations Oceans.

94. A noteworthy cluster-level initiative was the establishment in 2001 of the Joint Liaison Group of the Rio Conventions[49] as an informal forum to exchange information and explore opportunities for synergetic activities and coordination. The Group agreed on the priority issues of adaptation, capacity building and technology transfer; developed a joint programme of work both at national and international levels; and held joint meetings of scientific bodies. The Liaison Group of the Biodiversity-Related Conventions,[50], set up by the Executive-Secretary of CBD in response to a request by the CoP of CBD,[51] has also produced a paper on "options for enhanced cooperation among the five biodiversity-related conventions".

Good practices: CITES, CBD and CMS

95. CITES developed a strategic vision outlining several priority goals deemed critical to meeting the Convention's purpose to "increase cooperation and conclude strategic alliances with international stakeholders". The CITES adopted a costed work programme for 2009-2011 to implement collaborative projects and work programmes with other organizations through the MoUs concluded under the authorization of the CoP. CMS also developed collaborative mechanisms with other organizations through its Scientific Task Force on Avian Influenza and Wild Birds, which successfully developed response and early warning strategies and countered unsubstantiated media reports on the role of migratory birds as vectors of H5NI.

System-wide planning framework and results-based management

96. From the above, there are obviously three sets of administrative coordinating mechanisms that remain to be integrated into a single system-wide programming framework.

97. In this respect, it should be noted that there is no overall results-based management framework with objective-setting based on conscientious reading of the Millennium Ecosystem Assessment, the UNEP Global Environment Outlook and other environment and ecosystem evaluations - linking resources mobilized to duly measured and evaluated

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[47] See the case of CITES in para. 112 below, CITES Decision Conf. 14.2, Stockholm Convention Decisions SC-2/9-11 and SC-3/17 and Rotterdam Convention Decision RC-1-14.
[48] For example, the International Conference on Chemicals Management (ICCM) adopted in 2006 the Strategic Approach to International Chemicals Management (SAICM), administered by the "Strategic Approach Secretariat" of UNEP in Geneva.
[49] CBD, UNCCD and UNFCCC.
[50] Original members in 2004: CITES, Ramsar, CMS and World Heritage Convention. The International Treaty on Plant Genetic Resources for Food and Agriculture joined in 2006.
[51] Decision VII/26 of 20 February 2004.

environmental improvements and impacts. Several United Nations organizations with environmental responsibilities such as UNEP, UNDP and GEF have undertaken steps towards results-based management,[52] unlike United Nations/ UNEP assisted MEAs.

98. The Inspector considers that the adoption of a results-based, strategic, system-wide planning and management approach could remedy the fragmentation of the environment management system within and outside the United Nations system. In this connection, the Inspector recalls the endorsement by the General Assembly of the benchmark framework for results-based management proposed by the JIU[53] and the recognition of its importance in the context of the triennium review of operational activities for development.[54]

99. Drawing on the above good practices and the SWMTEP experience, the Inspector is convinced of the need for and the feasibility for the executive heads to establish and develop a joint system-wide planning framework for the management and coordination of environmental activities, drawing on the results-based management framework. The Inspector is also of the view that the executive heads should establish an indicative administrative planning document based on a system-wide on-line information base consisting of an inventory of all programmes, projects and profiles of organizations active in the environmental sphere. That would provide a point of departure for their consultation on joint planning and project implementation. It will be useful that the Secretary-General will keep informed the UNEP Governing Council/Global Ministerial Environmental Forum and the General Assembly of the implementation of these actions as appropriate.

The implementation of recommendation 7 below would enhance the overall effectiveness of environmental governance within the United Nations system.

Recommendation 7

The Secretary-General as Chairman of the Chief Executive Board should encourage the executive heads of the organizations and the MEAs:
(a) To develop a joint system-wide planning framework for the management and coordination of environmental activities, drawing on the results-based management framework endorsed by General Assembly resolution 60/257, and to this end.
(b) To draw up an indicative-planning document serving for joint programming of their activities in the environment sphere.

C. Funding and financing

100. Concrete estimates of the overall financial resources available to the various components of the environmental governance system are not available. A rough estimate puts the total annual funding available to United Nations system organizations in 2006 at US$ 1.65 billion. This includes US$ 301.0 million for the implementation of global MEAs administered by the United Nations and UNEP, and US$ 136.5 million for UNEP. A more detailed overview of the funding for environmental activities can be found in annex II.

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[52] Progress report on the development of the results-based management framework, GEF/C.30/4, 2006.
[53] See General Assembly resolution 60/257 and the recommendations of the Committee for Programme and Coordination in its report on its forty-fifth session (A/60/16), para. 248.
[54] General Assembly resolution 62/208.

101. According to statistics collected by the Organization for Economic Cooperation and Development (OECD) for the 22 Member States of the Development Assistance Committee (DAC) and other donors, in 2005 out of US$ 111.2 billion of total bilateral official development assistance (ODA), US$ 1.85 billion was committed to general environment protection.[55] It is assumed that approximately a third of ODA of DAC countries is spent on environmental and environment-related activities in support of sustainable development in such areas as water supply and sanitation.

Issue of incremental cost funding

102. The 1992 Earth Summit adopted Agenda 21 and the Rio Declaration mapped out the common but differentiated responsibilities of all countries in the field of global environmental protection. In that context, the Earth Summit agreed on the provision of new and additional financial resources by the international community to enable developing State parties and parties with economies in transition to meet the agreed full incremental costs[56] for implementing environmental control measures which fulfill their obligations under various MEAs.

103. Agenda 21 identified, in its chapter 33, various funding mechanisms based on the concept of incremental costs for sustainable development, such as multilateral development banks and funds, including the GEF. It noted the importance of a review and monitoring of the adequacy of such funding and mechanisms. The Commission on Sustainable Development was entrusted with this mandated but is yet to be accomplished.[57] The Secretary-General has the duty to assist the CSD in this task.[58]

104. The Governing Council of UNEP should also fulfil its original role of coordinating environmental activities within the United Nations system through its Environment Fund.

UNEP funding

105. To remedy the absence of a funding mechanism for environmental programmes, the General Assembly established in 1972 the Environment Fund to finance wholly or partly the cost of new international environmental initiatives within and outside the United Nations system. However, due to the intensification of multifaceted environmental problems, lack of consensus among States on the financial role of the UNEP and inadequate contributions, the Fund ceased to be the principal source of financing for the implementation of the international initiatives.

106. The establishment of other funding mechanisms for environmental programmes required a clear division of responsibilities between these mechanisms and the Environment Fund. Unfortunately, however, UNEP Governing Council has not produced any guidance on the subject and the Environment Fund has no pro-active financing policy, acting only at the request of the agencies, NGOs and MEAs.[59]

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[55] See www.oecd.org/dac/stats/idsonline.

[56] The change in total cost arising from the implementation of an additional measure of environmental protection.

[57] General Assembly resolution 47/ 191, para. 3 (e).

[58] Ibid., para. 15 and Plan of implementation of the WSSD, para. 152.

[59] See paragraph 3 and 5 of the General Guidelines for the Execution of Projects of the Fund in Section IV of the Revised Legislative and Financial Texts regarding the UNEP and the Environment Fund.

Financial resources and mechanisms for Multilateral Environmental Agreements

107. Broadly speaking, the financial arrangements of MEAs feature two types of resources: (a) general-purpose trust funds and specialized trust funds and (b) financial mechanisms to assist the Parties in complying with the control measures under the conventions.

108. General trust funds are used to meet the expenses of the conventions, covering the ordinary expenditures of the secretariats, including staffing, administrative costs and overhead, preparation and translation of documents, and staff attendance at meetings of the CoPs and their subsidiary bodies.[60] Contracting Parties' contributions are generally compulsory or paid on an indicative scale[61] based on the United Nations scale of assessments for apportionment of the expenses of the Organization. However, the legal basis for these contributions is precarious since they have been treated as voluntary under the United Nations Financial Regulations and related bulletins and administrative instructions by the Secretary-General.[62]

109. Special trust funds meet the extra-budgetary expenses for technical assistance and the participation of developing countries and countries with economies in transition in convention meetings. However, these funds consistently experience shortfalls in contributions. Except for the Ozone Secretariat,[63] various MEA secretariats indicated that the contributions were often insufficient to cover the participation costs of the parties in meetings, despite the fact that their attendance was a sine qua non for the normative process of treaty implementation.

110. The MLF is the primary example of a dedicated multilateral environmental financial mechanism whose success largely derives from a sustained transfer of resources to developing countries to assist them to comply with the control measures of the Protocol. The MLF is replenished by contributions from non-Article 5 countries (developed countries) determined every three years at the Meeting of the Parties on the basis of the United Nations scale of assessments. Funding and use of the resources are based on the principle of "additionality" and a rigorously defined concept of incremental costs.[64]

111. Through maximum funding of incremental costs, the funding by the MLF is the best practice to ensure the achievement of clear and quantitatively measurable normative objectives. Its Executive Committee established a strategic planning and management framework for financing varied projects of awareness-raising, capacity-building/institutional strengthening and investment activities aimed at implementing the mandatory phase-out of ozone-depleting substances.

Global Environment Facility

112. It is agreed that the Global Environment Facility (GEF) should provide additional financial resources to meet the agreed full incremental costs incurred by developing countries for relevant activities under Agenda 21 (chap. 33.14) and in particular those defined in conformity with the eligibility criteria decided by the respective MEAs. The GEF, jointly managed by the World Bank, UNDP and UNEP, is the largest multipurpose facility to

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[60] Only the Montreal Protocol and the Vienna Convention earmark funds to cover participation costs of representatives of the parties.
[61] See, for example, financial procedures for UNFCCC in Decision 15/CP.1.
[62] ST/SGB/188 and ST/AI/284-286.
[63] See http://ozone.unep.org/.
[64] Indicative List of Categories of Incremental Costs, Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer, 7th edition, 2006.

provide funding for the implementation of MEAs. The GEF has provided assistance at the request of the Conference of the Parties to CBD, UNFCCC, UNCCD and the Stockholm Convention. CITES has never benefited from the GEF, even indirectly through the CBD window. According to the instrument establishing the GEF and its status under MEAs, the GEF is to function under the guidance of and be accountable to the CoPs which decide on policies, program priorities and eligibility criteria for the purposes of the MEAs including the replenishment exercise.

113. However, the GEF is legally and practically autonomous from the conventions it serves. Its Council plays a significant role in determining the level of replenishment and deciding on projects and policies. For example, the new framework for allocating grants to recipient countries - the Resource Allocation Framework (RAF), which the Council adopted in 2005 without guidance from the CoPs, came under criticism from the Center for International Environmental Law (CIEL)[65] for not complying with the MoU, the GEF Instrument and CoP guidance.

114. The GEF secretariat informed the Inspector of the preliminary opinion of the World Bank Legal Office that, while the Fund did not require or prohibit a performance-based allocation system, in the case of conflict generated by the adoption of the allocation system, the sanction should be in relation to the continued ability of the Fund to serve as the financial mechanism and the ability of the respective CoPs to request for reconsideration of the position of the GEF regarding the implementation of the MEAs concerned.

115. The GEF secretariat has encountered difficulties interpreting and applying the concept of "incremental costs"[66] at the operational level. The new Operational Guidelines for the Determination of Incremental Costs in GEF Projects[67], approved by the GEF Council in 2007, did not define the incremental costs required for the implementation of MEA. The GEF secretariat developed an alternative concept of "costs of measures to achieve agreed global environmental benefits".[68] This represents a departure from the established concept of additionality of resources to meet incremental costs for implementing environmental norms and blurs the distinction between financing for sustainable livelihood and environmental normative assistance.

116. The Inspector, nonetheless, recognizes that, during negotiations for the replenishments of the GEF Trust Fund, the CoPs rarely submit specific information and accurate assessment of additional funds needed to meet the agreed incremental costs the implementation of the conventions.

117. The Inspector finds that the following actions need to be taken:

- First: The Secretary-General, within his mandate to assist the CSD in monitoring financial resources and mechanisms available for the implementation of Agenda 21, should undertake, in consultation with the UNEP, MEAs and relevant United Nations system organizations, a review of the adequacy and effectiveness of funding by the existing international funding mechanisms of environmental activities. Such review should focus on the provision of new and additional financial resources concept and the scope and purpose of 'incremental costs' in assisting Contracting Parties particularly developing countries in implementing the MEAs in relation to other types of funding for sustainable development and environment. The result

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[65] Legal analysis of the GEF Resource Allocation Framework, Glenn M. Wiser, May 2007.
[66] See footnote 5 above.
[67] GEF/C.31/12.
[68] GEF/ME/C.30/3.

of the review submit be reported through the relevant intergovernmental bodies to the General Assembly;
- Second: Upon receipt of the above report of the Secretary-General and the views of the intergovernmental bodies concerned, the General Assembly should redefine the concept of incremental cost funding applicable to the existing financial mechanisms (a) in order for them to better provide the additional resources to assist developing Contracting Parties and Parties with economies in transition in complying with MEAs and (b) facilitate the financing of the cost of extending the Global Environment Facility to additional MEAs.

The implementation of recommendations 8 and 9 below is expected to enhance the effectiveness and accountability of international funding for MEAs.

Recommendation 8

The Secretary-General should undertake, in consultation with the MEAs and relevant United Nations system organizations, a review of the adequacy and effectiveness of funding environmental activities focusing on the concept of incremental costs and submit a report thereon to the General Assembly through the relevant intergovernmental bodies.

Recommendation 9

The General Assembly, upon receipt of the above Secretary-General's report and the views on it of the intergovernmental bodies concerned, should redefine the concept of incremental cost funding applicable to the existing financial mechanisms.

D. Administrative services provided to the Multilateral Environmental Agreements

Administrative and financial services

118. As regards administrative services for UNEP-Administered MEAs,[59] it should be noted that in 1996 the Executive Director of UNEP, while maintaining his function as the Director General of the United Nations Office in Nairobi (UNON), transferred the responsibility for the delivery of administrative services from UNEP to UNON, but retained the ultimate responsibility of UNEP to ensure the delivery of services under its agreements with various MEAs. In 2006, the Secretary-General transferred the functions of the Director-General of UNON from the Executive-Director of UNEP to the Executive Director of UN-Habitat. However, in the absence of legal or institutional relationship between UNON and the MEAs, the Executive Director of UN-Habitat has no authority to issue instructions to UNON concerning the provision of services for MEAs.

119. Due to the geographical dispersion of MEAs, UNEP has to use different and complex channels (e.g. UNON, its Geneva-based administrative centre, DTIE, and UNOG) to provide MEA secretariats with administrative support services. Several UNEP-administered secretariats informed the Inspector that, in cases of projects requiring multiple services, they had to undergo a cumbersome process of consultations and clearances involving various service centres before administrative action could be taken. Moreover, the above 2006 decision of the Secretary-General exacerbated the problems faced by various secretariats

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[59] For example, the Basel Convention, CBD, the Cartagena Protocol on Biosafety, CITES, CMS, the Vienna Convention, the Montreal Protocol, and the Stockholm/Rotterdam Conventions.

located away from Nairobi, particularly the CMS family of MEA secretariats located in Bonn. Thus, lack of clear operational delegation of authority has often been the cause of delayed administrative action and inadequate support to the CoPs.

120. The United Nations Office at Geneva (UNOG), for its part, has concluded memoranda of understanding with all MEA secretariats (UNFCCC and UNCCD as well as UNEP and UNEP-administered MEAs), specifying the level and type of services to be provided. However, service level agreements should be clear enough to better satisfy not only current needs but also emerging needs. For example, UNOG has not been able to implement Decision 23 of the CoP 7 of UNCCD to introduce the euro as its budget and accounting currency as of 2008, a measure to protect the secretariat of UNCCD from the erosion of its income in dollar terms. The implementation of this decision entailed sizeable financial implications due to the limited capability of the Integrated Management Information System (IMIS) in Geneva. But the CoP was not provided with a statement of programme budget implications (PBIs) of the decision in accordance with relevant rules of procedure and financial regulations. The United Nations secretariat informed the Inspector that it was not its responsibility to provide the CoP with the PBIs and that it was not the custom to assist the MEA secretariats, through the United Nations offices at Geneva and Nairobi, in presenting to the CoPs and MoPs a statement of PBIs.

121. The accounts of UNEP-administered MEAs are certified by the Executive Director of UNEP, who has broad delegation of authority from the Secretary-General over management of the Environment Fund and MEA trust funds under UNEP custody. On the other hand, most UNEP-administered secretariats indicated that they had no on-line access to real time information on their trust fund accounts and had to rely on their manual books instead. In this respect, UNEP and UNON agreed, but are yet to install IMIS in MEA secretariats in order to facilitate easy access to financial information. The Inspector was further informed that the Division of Environmental Law and Multilateral Conventions had no access to their trust-fund accounts and was unable to discharge timely its responsibility to provide MEAs with administrative support and liaising between their secretariats and UNON.

122. In the light of the above, it is evident that UNEP, UNON and UNOG need to draw up a clear service level agreement on their respective responsibilities regarding the provisions of administrative services to MEA secretariats.

Administrative Service Centre

123. In 2004, the Executive Director of UNEP decided to establish a new UNEP Administrative Service Centre (ASC) for Europe in Geneva that would provide administrative services to the offices of the UNEP secretariat in Europe, including UNEP-administered MEA secretariats. However, this decision was taken without prior consultation with the secretariats to determine their needs. The Basel Convention and the CITES declined to be serviced by the ASC and continued to be serviced by UNOG and UNON as well as by in-house administrative teams paid by their trust funds.

124. In 2005, UNOG and the Executive Management Group reviewed the decision to establish the ASC They claimed that mandating two different offices (UNOG and UNON) located away from New York Headquarters to deliver administrative services to United Nations entities established in one location – Geneva – ran counter to the Secretary-General's efforts to move towards the "One United Nations" concept at each duty station. Concern was also raised over the costs of establishing a new structure to support a relatively small number of UNEP staff - approximately 150 staff in Geneva including the UNEP-administered MEA secretariats – in addition to UNOG, which already provided support to many different entities.

125. Despite the above reservations, the Executive Director of UNEP proceeded to establish the ASC, which is currently servicing UNEP offices in Geneva, the interim secretariats of the Stockholm Convention and the UNEP-part of the Rotterdam Convention and which costs between US$ 400,000 and 500,000 per year.

126. The representative of UNON informed the Inspector that the ASC did not provide core administrative services (accounting, payroll, payments, treasury, etc.), but rather performed financial, personnel and general administrative tasks similar to those of an Executive Office. According to UNON, the underlying aim was for the UNEP/UNON to make use of programme support resources pooled in the accounts of MEAs in order to provide their secretariats with common support services.[70]

Human resources management

127. As at 31 December 2006, geographical distribution of United Nations staff in the environmental sector was largely in favour of the Group of Western European and Other States, except for the Ozone Secretariat. The proportion of women in most MEAs and environmental entities exceeded 50 per cent (see annex IV). This said, there were only three female executive heads (Basel Convention, the MLF and the GEF).

128. Recruitment and management of staff in secretariats administered by UNEP are subject to prudent cash management similar to that applied to extra-budgetary and voluntary funded projects where personnel is not entitled to the usual mobility and transfer arrangements. This constraint particularly affects the mobility of UNFCCC and UNCCD secretariat staff. In the case of UNEP-administered conventions, recruitment is undertaken by UNEP and subsequently by UNON. UNEP-administered MEA secretariats, including the Basel and Stockholm Conventions and the Convention on Biological Diversity, informed the Inspector that UNEP and UNON were slow in examining, or eventually even turned down, applications of carefully selected candidates for duly classified posts. This occurred particularly with posts at the lower echelon, which are the local General Service and Junior Professional categories.

The implementation of recommendation 10 below is expected to improve efficiency and accountability of administrative services delivered to MEAs. Recommendation 11, if implemented, would enhance controls and compliance with the geographical distribution of staff.

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[70] OIOS Consultancy Report for UNEP on UNEP's provision of administrative services to the UNEP-Administered Conventions, August 2003.

Recommendation 10

The Secretary-General, on the basis of a proposal of the Executive Director of UNEP and consultation with UNEP-administered MEA secretariats, should:
(a) Develop and/or review the delegation of authority, division of roles and responsibilities of the entities providing administrative, financial and human resources management services to the Conferences of Parties, and;
(b) Draw up a clear service level agreement defining the level and type of services to be delivered by the United Nations offices in Nairobi and Geneva to MEA secretariats.

Recommendation 11

The Secretary-General, with the assistance of the Executive Director of UNEP and in consultation with the MEA secretariats, should undertake a review of UNEP and UNON practices concerning the recruitment of staff for MEA secretariats, and propose steps to improve the staffing situation and geographical distribution of staff.

Reform of programme support costs

129. Support services for MEAs are funded through the Programme Support Costs (PSC) arrangements whereby MEAs are charged a standard percentage of their budgets. UNEP and the United Nations levy 13 per cent,[71] which corresponds to the rate approved by the General Assembly[72] on the basis of observations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and its concurrence with the reimbursement formula embodied in decision 80/44 of 27 June 1980 of the UNDP Governing Council.[73] Based on this decision, the Secretary-General issued a series of internal guidelines and instructions concerning the establishment, utilization and management of trust funds, including PSC arrangements.[74]

130. The Inspector identified several problems with these arrangements.

(a) Several CoPs created a working capital reserve within their general trust funds to ensure continuity of operations in the event of a temporary shortfall of cash. However, in order to meet the requirements of the United Nations Regulations and Rules, most of these funds have to maintain other working capital resources, including an operating reserve equivalent to 15 per cent of the estimated annual planned expenditures to cover shortfalls and meet the final expenditures including any liquidating liabilities; and an operating reserve equal to 20 per cent of the estimated annual programme support income to cover unforeseen expenditures and liquidate legal obligations in the cases of abrupt termination of activities financed from extra budgetary resources;[75]

(b) UNEP-administered secretariats often complain that the PSC mechanism lacks transparency and fails to adequately reflect the actual services provided. According to the Secretary-General's instructions,[76] programme support resources should be used in areas

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[71] There have been exceptions to 13 per cent charge for PSC: the Multilateral Fund for the Implementation of the Montreal Protocol has been charged 13 per cent only on staff costs, but not on the annual expenses of the secretariat.

[72] General Assembly resolution 35/217 of 17 December 1980 (para V.2).

[73] In its report (A/35/544, para.15), the ACABQ made a number of observations in arriving at its conclusions.

[74] ST/AI/286.

[75] ST/AI/284, Annex, paragraph III.A.1 and ST/AI/286, Annex paragraph II.E.

[76] ST/AI/286, paragraph III.B.

where a demonstrable relationship exists between the supporting activities concerned and the activities that generated the programme support revenue. Despite this criterion UNEP/UNON continue to impose *one* pre-fixed rate on the MEA secretariats, leaving them with few resources to support substantive programmes and project activities.

(c) Large MEAs feel that the PSC charges offer "little value for money", whereas smaller MEAs claim that there is little transparency in the allocation of PSC for project management, programme management and the central administration. In addition, analysis of expenditures shows that larger MEAs tend to record unspent balances in their PSC accounts. For example, the UNFCCC compiled its PSC accounts based on 13 per cent of its annual budget, but continued to accumulate in their PSC account sizeable surplus ranging from US$ 500,000 to US$ 1.5 million over three biennia.[77] The current policy of transferring further administrative support capacity from Geneva to Bonn is in keeping with the concept of full use of the 13 per cent charge. While this policy allows UNFCCC maximum recovery of the PSC from the United Nations, it still needs to be assessed against the optimum need for administrative capacity of the Convention.

131 The Inspector was informed that the United Nations secretariat, in collaboration with entities delivering administrative services to the CoPs, was undertaking a review of programme support costs and criteria for accessing the common budget with a view to achieving savings.

132 The Inspector also notes with interest the efforts of UNDP and other members of ExCom and the Specialized Agencies in the UNDG to harmonize cost recovery policies aiming at reducing their PSA rates for both direct and indirect costs.[78]

133 The Inspector is of the view that, based on the above review and taking into account the work of the UNDG, the Controller should propose to integrate the programme support cost resources of UNEP/United Nations-administered MEAs into one common account to be administered by the Secretary-General. For this purpose, the Inspector is of the view that, on the basis of the overall estimated annual programme support expenditures of all MEAs supported by the United Nations/UNEP secretariats, the United Nations Controller should draw an administrative support service budget to be submitted to the General Assembly for its consideration and approval upon recommendation of the ACABQ, taking account possible comments by the Governing Council of UNEP. Once approved, the budget should be prorated and apportioned among the MEAs according to their programme expenditures. Under this formula, support cost charges will be based on actual costs rather than on a flat rate, following the example of the Support Account of Peacekeeping Operations, which has proved to be effective for the past 20 years. The Controller or his representative will have to inform each CoP of the administrative and budgetary implications arising from this change. This should be done at the earliest stage of discussion on the annual budget of the MEAs.

The implementation of this recommendation is expected to enhance the accountability of the United Nations secretariat and UNEP to the CoPs by providing them with cost-effective support services.

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[77] FCCC/SBI/2004/12/Add.2, FCCC/SBI/2006/14/Add.2, and FCCC/SBI/2007/INF.1.

[78] Draft final report, UNDG-HLCM Consultations on Cost Recovery on 4 April 2008, see www.undg.org/docs/8893/UNDG-HLCM-consultations-CostRecovery-Final-DraftReport-23-April.doc.

Recommendation 12

The Secretary-General should:

(a) Increase transparency in the use of the programme-support cost resources on an actual cost basis and in the services delivered to MEAs administered by the United Nations and UNEP, and to this end ensure that programme-support costs charged for such services are budgeted and applied against actual expenditures incurred;

(b) Instruct the United Nations Controller to undertake consultations with United Nations entities that deliver administrative services to the Conferences of the Parties and on the basis thereof submit to the General Assembly for its adoption proposals for setting up a common budget for administrative support services provided to MEAs and inform each CoP on the administrative and budgetary implications arising from this arrangement.

IV. OBSERVATIONS ON FUTURE INSTITUTIONAL ARRANGEMENTS

134. An overarching authority for global environmental governance is lacking within the United Nations system. UNEP has fallen short in exercising effectively its original mandate to coordinate all environmental initiatives in the United Nations system. Responses to environmental challenges have become sector-specific, specialized and fragmented, despite some improvement through the formation of clusters. Institutionally, the convening power of UNEP is dwarfed compared to other institutions dealing with major environmental concerns such as climate change.

135. Different options for the reform of the global environmental governance have been put forward in recent years. These included: (a) the upgrading of UNEP to a real authority endowed with normative and analytical capacity and a broad mandate to review progress towards improving the world environmental situation; (b) creating a new World Environment Organization; and (c) strengthening the existing institutional framework.

136. The recommendations advanced in this report primarily seek to improve the current system of governance based on the legacy and good practices accumulated within the United Nations system since 1972, in particular the large body of principles and policies on environment and sustainable development built by successive global conferences, including environmental responsibility, the precautionary approach, financing of incremental costs, and common but differentiated responsibilities of States for the protection of global ecosystem. The report identified various good practices and norms in the operation of MEAs, inter-agency coordination and clustering, and suggested further scope for improving country-level coordination among agencies within the framework of the CCA/UNDAF processes.

137. However, these recommendations are not panaceas for ensuring good governance within a system where decision-making largely depends on intricate and decentralized networks of policymakers and administrations (see annex III). Given the erosion of the Rio principles and the absence of a legal mandate for environmental governance, UNEP will not be able to position itself as the leading authority that sets the global environmental agenda and promotes within the United Nations system a coherent implementation of the environmental dimension of sustainable development.

138. It is essential that organizations with environmental responsibilities have an effective mechanism to discuss and agree on a holistic approach to ensure more productive and cost-effective responses to emerging major challenges. Any future institutional overhaul of global

environmental governance needs to build on the reform of UNEP and good practices and lessons gleaned from successful international environmental regimes such as the Montreal Protocol. Such reforms should aim at promoting and enforcing:

- Common legally binding principles such as the law of treaties to reconcile substantive differences and contradictions among MEAs;
- A system-wide strategic planning framework for the management and coordination of environmental activities; and
- A set of common guidelines for the provision and use of administrative, financial and technical support services to enhance synergies between United Nations system agencies and MEAs, as well as among MEAs.

Annex I

List of global Multilateral Environment Agreements
(of global geographical scope with a minimum of 72 signed Parties)

No.	Subject	Secretariat	Signed (as of December 2004)	Date adopted
	Atmosphere			
1	Vienna Convention for the Protection of the Ozone Layer	UNEP	187	1985
2	Montreal Protocol on Substances that Deplete the Ozone Layer	UNEP	186	1987
3	United Nations Framework Convention on Climate Change (UNFCCC)	UN	188	1992
4	Kyoto Protocol to the UNFCCC	UN	84	1997
	Biodiversity-related			
5	Ramsar Convention on Wetlands of international importance especially as waterfowl Habitat	IUCN	138	1971
6	Convention on International trade in endangered species of wild fauna and flora (CITES)	UNEP	164	1973
7	Convention on Migratory Species (CMS)	UNEP	85	1979
8	Convention on Biological Diversity (CBD)	UNEP	189	1992
9	Cartagena Protocol on Biosafety to CBD	UNEP	132	2000
10	Convention on Protection of the world cultural and natural heritage	UNESCO	177	1972
	Chemicals and Hazardous Wastes			
11	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal	UNEP	162	1989
12	Convention on the Prohibition of the development, production, stockpiling and use of chemical weapons and their destruction adopted at Paris	Organisation for the Prohibition of Chemical Weapons	174	1993
13	Rotterdam Convention on the Prior Informed consent procedure for hazardous chemicals and pesticides (PIC)	UNEP	99	1998
14	Stockholm Convention on Persistent Organic Pollutants	UNEP	165	2001
	Land			
15	United Nations Convention to Combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa	UN	191	1994
16	**Nuclear**			
	Treaty – Banning nuclear weapon tests in the atmosphere, in outer space and under water	CTBTO*	130	1963
17	Convention on the Prohibition of emplacement of nuclear and mass destruction weapons on sea-bed, ocean floor and subsoil	CTBTO*	108	1971
18	Convention on Early notification of a nuclear accident	IAEA	107	1986
19	Convention on Assistance in the case of a nuclear accident or radiological emergency	IAEA	106	1986

20	Convention on Nuclear safety	IAEA	72	1994
	Marine environment			
21	Convention relating to Intervention on the high seas in cases of oil pollution casualties (INTERVENTION)	IMO	85	1969
	Intervention Protocol (pollution other than oil)	IMO	94	1973
22	Protocol (replaces the 1971 Convention) Convention on International fund for compensation for oil pollution damage (FUND)	IMO	86	1992
	Amendment to protocol (limits of compensation)		86	2000
23	Convention on the prevention of marine pollution by dumping of wastes and other matter (LC)	IMO	81	1972
	Amendments to Annexes (incineration at sea)		80	1978
	Amendments to Annexes (list of substances)		79	1980
24	Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocols of 1978 and 1997 (MARPOL)	IMO	127**	1973/78/97
	Annex I, as amended			1978
	Annex II as amended,			1978
	Annex III, as amended		110	1978
	Annex IV, as amended		95	1978
	Annex V, as amended		115	1978
	[Annex VI, as amended]		[12]	1997
25	Convention on oil pollution preparedness, response and co-operation (OPRC)	IMO	78	1990
	Law of the Sea			
26	United Nations Convention on the Law of the Sea (UNCLOS)	UN	174	1982
27	Agreement relating to the Implementation of part XI of the UNCLOS	International Seabed Authority (ISBA) and UN	128	1994
28	Agreement relating to the implementation of the provisions of the convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks	UN	72	1995
	ILO Occupational hazards conventions**			
	Convention Number and Name:		Ratified by	
29	62 – Safety Provisions (Building) Convention, 1937		21	
30	115 – Radiation Protection Convention, 1960		48	
31	136 – Benzene Convention, 1971		38	
32	139 – Occupational Cancer Convention, 1974		37	
33	148 – Working Environment (Air Pollution, Noise and Vibration) Convention, 1977		45	
34	155 – Occupational Safety and Health Convention, 1981 Protocol of 2002 to the Occupational Safety and Health Convention, 1981		52	
35	161 – Occupational Health Services Convention, 1985		27	
36	162 – Asbestos Convention, 1986		32	

37	167 – Safety and Health in Construction Convention, 1988		23	
38	170 – Chemicals Convention, 1990		17	
39	174 – Prevention of Major Industrial Accidents Convention, 1993		13	
40	176 – Safety and Health in Mines Convention, 1995		23	
41	184 – Safety and Health in Agriculture Convention, 2001		10	
42	187 – Promotional Framework for Occupational Safety and Health Convention, 2006		6	
43	188 – Work in Fishing Convention, 2007		0	
	Miscellaneous			
44	Geneva Convention on Road Traffic	UN	93	1949
45	Convention on International Liability for Damage Caused by Space Objects	UNOOSA***	107	1971

* Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

** 1978 MARPOL protocol.

*** United Nations Office for Outer Space Affairs.

**** ILO's IOLEX, http://www.ilo.org/ilolex/english/index.htm as of 9 October 2008.

Source: OECD Environmental Data – Compendium 2004 unless otherwise stated.

Annex II
Financial resources for multilateral environmental activities (US$)

ORGANIZATIONS	2000		2001		2005		2006	
	Core budget	Non-Core budget	Core budget	Non-Core budget	Core budget	Non-Core budget	Core budget	Non-Core budget
I. MEAs: UN/ UNEP assisted (1 to 11 below) Sub-total	**48,546,742**	**18,164,915**	**47,954,058**	**19,985,015**	**67,342,042**	**44,222,220**	**79,963,312**	**48,122,339**
1. ECE conventions								
Three Conventions #		112,700		222,100		956,200		584,800
Aarhus Convention	242,000	93,800	320,700	204,000	826,200	307,500	726,900	246,300
LRTAP Convention	242,900	2,085,500	247,700	2,528,000	355,300	3,006,900	337,400	2,251,600
2. UNCLOS & Fish stocks agreement	2,866,200	0	2,866,200	0	3,575,275	293,500	3,575,275	293,500
3.UNFCCC (a)	12,643,000	6,522,770.50	12,643,000	6,522,770.50	19,790,572.50	12,892,397.50	23,520,411	13,007,952
4. UNCCD (b)	6,262,000	2,908,570	6,262,000	2,908,570	7,960,500	4,040,387.50	8,352,500	6,235,276
Sub-total of 1-4 /UN	**22,256,100**	**9,544,041**	**22,018,900**	**12,181,441**	**32,516,848**	**21,189,385.00**	**36,175,086**	**22,619,428**
5. Vienna Convention and Montreal Protocol (figure for 2006 based on COP 19 documents)	4,050,269		4,099,385		5,467,075		5,517,857	285,140
6.CBD&BS protocol	8,298,600	5,376,400	8,594,000	4,559,100	10,497,800	5,820,353	10,918,500	5,326,057
7. CITES (figures for 2005-2006 based on COP documents)	4,735,849.50	1,093,485	4,735,849.50	1,093,485	4,480,000	1,188,322	4,658,307	3,052,021
8. CMS	1,958,572.50	94,389	1,958,572.50	94,389	2,271,787	195,611	2,271,787	195,611
9. Basel Convention (figures for 2006 based on COP decision SC-1/41	4,201,854	2,056,600	4,201,854	2,056,600	4,345,415	15,082,704.50	4,345,415	15,082,704.50

10. Rotterdam Convention	2,345,497	0	2,345,497	0	3,688,632.50	745,844	3,710,224	932,579
11. Stockholm Convention					4,074,485		5,366,136	1,561,378
Sub-total of 5-11	**26,290,642**	**8,620,874**	**25,935,158**	**7,803,574.00**	**34,825,195**	**23,032,835**	**36,788,226**	**25,502,912**
II. Other major MEAs								
12. World Cultural and Natural Heritage	7,737,300	2,784,450	7,737,300	2,784,450	7,988,419.50	16,660,135	7,988,419.50	16,660,135
13. ITPGRFA/FAO							448,500	
14. Ramsar Convention (c)	3045		3106		3,885,941		4,090,861	
Sub-total of 12-14	**7,740,345**	**2,784,450**	**7,740,406**	**2,784,450**	**11,874,360.50**	**16,660,135**	**12,527,781**	**16,660,135**
Multilateral Fund for the Implementation of Montreal Protocol	**158,566,667**		**158,566,667**		**191,000,000**		**179,866,667**	
III. UN system organizations								
1. ECE environment programme ##	2,982,000	2,469,700	2,946,900	3,306,800	3,765,700	4,664,200	4,221,100	4,285,500
2. ESCAP (d)	2,540,000	1,100,000	2,540,000	1,100,000	2,625,000	1,445,000	2,709,500	1,816,700
3. ESCWA (d)	1,753,100	12,100,	1,753,100	12,100	2,949,100	175,400	2,922,050	167,450
4. UNEP	4,350,000	90,850,000	4,350,000	90,850,000	5,250,000	116,750,000	5,988,550	130,509,850
5. UNDP	44,000,000	207,000,000	43,000,000	200,000,000	45,000,000	282,000,000	50,000,000	326,000,000
6. UNICEF (e)								94,169,000
7.GEF*	600,000,000		600,000,000		600,000,000		600,000,000	
8. UNITAR**		4,200,000		4,200,000		11,000,000		11,000,000
9. UNRWA**		30,000,000						35,000,000
10.UNU** estimate		7,479,000		7,479,000		10,796,000		10,796,000
11. UNWTO**	200,000		200,000		200,000			

12. WHO Health and environment **							45,000,000	
Memorandum items								
UNOPS**through GEF	64,601,310.50		64,601,310.50		89,135,532.50			
UNDP, UNFPA, UNICEF, WFP & specialized agencies ***	176.7 million			423.5 million(2004)	381.5 million		323.7 million	

Source: Unless otherwise stated below, the compilation is based on replies to JIU questionnaire

*GEF/C.29/3-GEF/A.3/6. donors commitments:$3billionto GEF-3(2002-2006) $3.13billion (2007-2010). ** Does not specify Core or Non-core expenditures.

***Environment-related operational activities, derived from *Comprehensive statistical data on operational activities for development for 2004*: Report of the Secretary-General (A/61/77-E/2006/59), Table B-5 and A/61/77-E/2006/59.

ECE Water Convention, Industrial Accidents Convention and Environmental Impacts Assessment Conventions

Figures for 2006 are derived from A/62/6(Secr.19)

(a) For 2006 see FCCC/SBI/2007/19

(b) For2006 seeICCD/COP(8)/2/Add.5

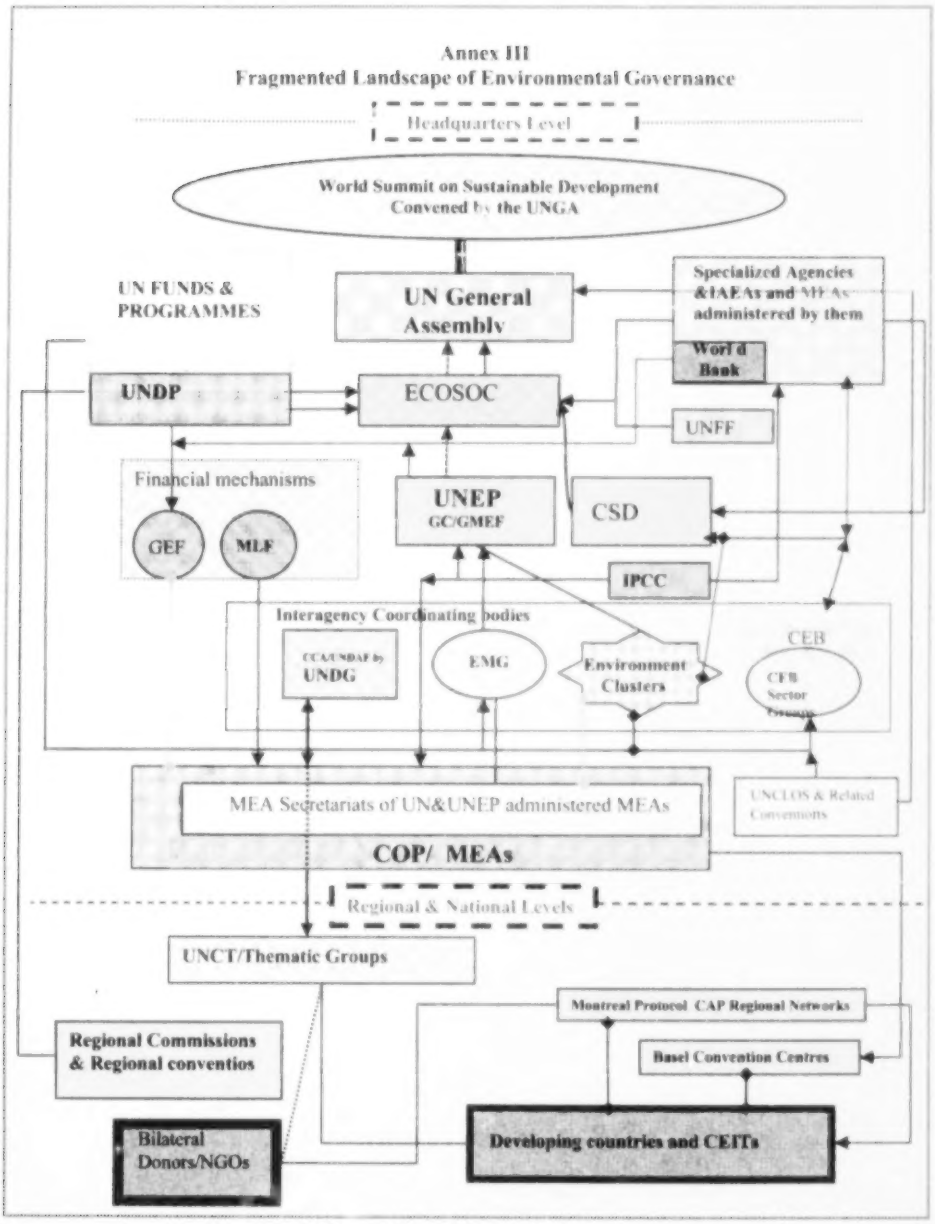
(c) http://www.ramsar.org/res/key_res_vii.28e.htm,

http://www.ramsar.org/res/key_res_viii_27_e.pdf,

http://www.ramsar.org/res/key_res_ix_12_e.pdf

(d) A/62/6(Sect.18) & (Sect.19) for 2006

(e) A/63/71-E/2008/46, Table B-5



Keys:
↔ or → : Management and/or Operational reporting channels
– : cooperative relations/consultations
… : Ad hoc relations
CAP : Compliance Assistance Programmes of UNEP

Annex IV

Gender and geographical distribution of staff of UNEP, MEAs and the Multilateral Fund

Appointed staff members as at 31 December 2006									
Organization	Grade	Female	Male	Africa	Asia and the Pacific	Latin American and the Caribbean	Eastern Europe	Western Europe and Other	Total
BASEL Convention	P and above	5	7	1	3	2	0	5	11
	GS	7	2	2	3	1	0	4	10
	Total	12	9	3	6	3	0	9	21
	Percentage of total	**57.14**	**42.85**	**14.28**	**28.57**	**14.28**	**0**	**42.85**	**100**
Convention on Biodiversity	P and above	8	26	9	5	2	0	18	34
	GS	24	4	0	0	0	0	28	28
	Total	32	30	9	5	2	0	46	62
	Percentage of total	**51.61**	**48.39**	**14.52**	**8.06**	**3.23**	**0**	**74.19**	**100**
Convention on Migratory Species	P and above	3	9	2	0	1	1	8	12
	GS	13	5	1	4	0	0	13	18
	Total	16	14	3	4	1	1	21	30
	Percentage of total	**53**	**47**	**10**	**13**	**3**	**3**	**70**	**100**
Multilateral Fund Secretariat	P	5	5	1	2	1	0	6	10
	GS	9	3	1				11	12
	Total	14	8	2	2	1	0	17	22
	Percentage of total	**63.63**	**36.36**	**9.09**	**9.09**	**4.54**	**0**	**77.27**	**100**
Montreal Protocol	P and above	4	4	2	2	2	0	2	8
	GS	6	2	8	0	0	0	0	8
	Total	10	6	10	2	2	0	2	16
	Percentage of total	**62.5**	**37.5**	**62.5**	**12.5**	**12.5**	**0**	**12.5**	**100**
Rotterdam Convention	P and above	4	3	0	1	1	0	5	7
	GS	4	0	0	1	1	0	2	4
	Total	8	3	0	2	2	0	7	11

	Percentage of total	72.72	27.27	0	18.18	18.18	0	63.63	100
CITES	P and above	4	11	0	2	3	1	9	15
	GS	8	2	0	1	2	0	7	10
	Total	12	13	0	3	5	1	16	25
	Percentage of total	48	52	0	12	20	4	64	100
UNCCD	P and above	10	22	11	3	3	2	13	32
	GS	14	5	6	1	2	1	9	19
	Total	24	27	17	4	5	3	22	51
	Percentage of total	47.06	52.94	33.33	7.84	9.8	5.88	33.14	100
UNEP*	P and above	203	319	110	99	54	16	243	522
	GS	322	85	191	50	24	11	131	407
	Total	525	404	301	149	78	27	374	929
	Percentage of total	56.51	43.48	32.40	16.03	8.39	7.21	40.25	100
UNFCCC	P and above	29	73	10	25	11	12	44	102
	GS	67	18	6	8	5	2	64	85
	Total	96	91	16	33	16	14	108	187
	Percentage of total	51.3	48.6	8.5	17.6	8.5	7.5	57.7	100

*** UNEP - Professional category includes grade L1-L5**

Sources: Responses to JIU questionnaire

Annex V

Overview of action to be taken by participating organizations on JIU recommendations
JIU/REP/2008/3

Report		Intended Impact	United Nations and its Funds and Programmes													Specialized Agencies and IAEA												
			United Nations[1]	UNCTAD	UNODC	UNEP	UN-HABITAT	UNHCR	UNRWA	UNDP	UNFPA	UNICEF	WFP	MEAs	OTHERS	ILO	FAO	UNESCO	ICAO	WHO	UPU	ITU	WMO	IMO	WIPO	UNIDO	UNWTO	IAEA
	For action		X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X
	For information and review													X	X													
Recommendation 1		e	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 2		e	L			L																						
Recommendation 3		e	L			L																						
Recommendation 4		f				L																						
Recommendation 5		e	L			L																						
Recommendation 6		c	L			L				L				L														
Recommendation 7		e	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 8		a	L			L								L	L													
Recommendation 9		a	L			L								L	L													
Recommendation 10		a	L			L	L							L														
Recommendation 11		d	L			L	L							L														
Recommendation 12		f	L			L	L							L														

Legend: L: Recommendation for decision by legislative organ. E: Recommendation for action by executive head.
Recommendation for information and review: may not require action by this organization.

Intended Impact: **a:** enhanced accountability; **b:** dissemination of best practices; **c:** enhanced coordination and cooperation; **d:** enhanced controls and compliance; **e:** enhanced effectiveness; **f:** significant financial savings; **h:** enhanced efficiency; **o:** other.

Others covers all entities listed in ST/SGB/2002/11 other than UNCTAD, UNODC, UNEP, UN-HABITAT, UNHCR, UNRWA. "MEAs" covers secretariats of Multilateral Environmental Conventions and the Multilateral Fund. For the purpose of the review, "others" covers UNITAR, UNU and OIF.